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I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the date set forth below.

Kathryn L. Lawrence  
(signature)

08-29-03

Date of signature and deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
HUGH CHRISTOPHER )  
 )  
Express Mail Certificate No. )  
EL 822714938 US )  
 )  
For: A DRIVE SHAFT ASSEMBLY ) Attorney Docket 1-73820

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Commissioner for Patents  
P.O. Box 1450  
Arlington, Virginia 22313-1450

AFFIDAVIT UNDER 37 C.F.R. §1.10(d)

Honorable Sir:

I, Kathryn L. Hetherwick being duly sworn, depose and state:

1. I have been a graduate paralegal for 25 years, the last seven of which I have been employed by MacMillan, Sobanski & Todd, a law firm primarily concerned with intellectual property law that has primary offices located in Toledo, Ohio. As such, I have assisted the attorneys at MacMillan, Sobanski & Todd in the preparation and prosecution of Patent Applications before the U.S. Patent and Trademark Office.

2. On the afternoon of August 14, 2003, the electric power supply to the Toledo area, to include the Law Offices of MacMillan, Sobanski & Todd, was interrupted as part of a wide spread blackout.

3. At the end of the day, the power not having been restored, I was requested by Toni Bosch, a mail clerk at MacMillan, Sobanski & Todd, to hand deliver the above-identified Patent Application to the main U.S. Post Office in Toledo, which is located at 435 S. St. Clair Street in Toledo, Ohio. The application was enclosed within an U.S. Express Mailing Envelope that carried an Express Mail Mailing Label Number of EL 822714938 US. Ms. Bosch used a flat rate Express Mailing Envelope and attached a \$20.00 bill to the envelope to cover the Express Mail Postage.

4. At the post office, the postal clerk initially refused to accept the U.S. Express Mailing Envelope containing the above-identified Patent Application since the electronic scales at the post office were out of service due to the power outage and thus were not available to weigh the U.S. Express Mailing Envelope. However, upon my pointing out that the power could be restored at any time, the clerk accepted the U.S. Express Mailing Envelope and postage and stated that it would be processed upon power resumption. After accepting the U.S. Express Mailing Envelope, the clerk affixed sufficient postage stamps to cover the Express Mailing cost but did not complete the Customer Copy of Express Mail Mailing Label No. EL 822714938 US for the U.S. Express Mailing Envelope containing the above-identified Patent Application because the package could not be weighed.

5. On August 15, 2003, I returned to the Post Office to pick up the Customer Copy of Express Mail Mailing Label No. EL 822714938 US for the U.S. Express Mailing Envelope containing the above-identified Patent Application. At that time I learned from the postal clerk that the clerks had been sent home before the power was restored. Before the clerks left, all of the Express Mail Packages were collected by a Postal Service Supervisor. The clerk also stated that, after she left, the power was restored at approximately 9:30 PM on August 14, 2003. However, the Customer Copy of Express Mail Mailing Label No. EL 822714938 US for the U.S. Express Mailing Envelope containing the above-identified Patent Application was not available for me to pick up and I was told that the Customer Copy would be mailed to the Law Offices of MacMillan, Sobanski & Todd.

6. On August 25, 2003, we received by mail, at the Law Offices of MacMillan, Sobanski & Todd, the Customer Copy of Express Mail Mailing Label No. EL 822714938 US for the U.S. Express Mailing Envelope containing the above-identified Patent Application, which was erroneously marked by the U.S. Postal Service with a "Date In" of August 17, 2003.

Further Despondent sayeth not.

IN WITNESS WHEREOF, I, Kathryn L. Hetherwick, have hereunto set my hand and affixed my seal this 26<sup>th</sup> day of August, 2003.

Kathryn L. Hetherwick  
Kathryn L. Hetherwick

On this 26<sup>th</sup> day of August, 2003, before me, a Notary Public, personally appeared the above named Kathryn L. Hetherwick, personally known to me and known by me to the one who executed the foregoing instrument and subscribed the same in my presence, and acknowledged the same to be his free act and deed.

John B. Mohr  
Notary Public

seal

**JOHN B. MOLNAR**  
**Attorney at Law**  
**Notary Public - State of Ohio**  
**My Commission Has No Expiration Date**  
**Section 147.03 O.R.C.**



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SERIAL NO. 1-73820 CASE NO. ( Leek )  
FILED: herewith  
APPLICANT(S): Hugh Christopher

THE PATENT OFFICE MAIL ROOM DATE STAMP HEREON  
ACKNOWLEDGES RECEIPT OF THE FOLLOWING ITEMS:

Patent Application (18 pages)  
 Drawing(s) (4 sheets)  
 Assignment  
 Small Entity Declaration  
 Express Mail Certificate  
 First Class Mail Certificate  
 Fees \$ (check)  
 Fees \$ 790 (deposit account)

03916 U.S. PTO  
10/643023  
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Preliminary  
 Amendment  
 Information Disclosure Stmt.  
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BY	JBM
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MacMILLAN, SOBANSKI & TODD	